

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO,
SAVANNAH ROSE EKLUND, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY, KARA
SAFFRIN, and BRITTANY TATIANA WEAVER,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**[PLAINTIFFS' PROPOSED]
ORDER REGARDING
DISCOVERY OF
DOCUMENTS AND
COMMUNICATIONS
POSTDATING THE
COMPLAINT AND THE USE
OF TAR PURSUANT TO
JANUARY 13, 2023 AND
FEBRUARY 10, 2023 JOINT
STATUS REPORTS**

The Court enters the following Order regarding the Discovery of Documents and Communications Created After the Filing of the Complaint and the use of TAR:

1. By February 17, 2023, each Defendant (excepting Caltech, Brown, Columbia, Dartmouth, Northwestern, Notre Dame, and Yale), to the extent they have not already done so, shall each designate appropriate custodians of documents from its President's Office and Development Office;
2. Defendants shall provide discovery of documents and communications created after the filing of the Complaint on all the RFPs identified by Plaintiffs to Defendants on or before February 14, 2023, except to the extent Plaintiffs identify for Defendants specific RFPs for which there is no need to do so;
3. In addition to the deadlines for production of structured data required by the Court on February 8, 2023, Dkt. 315, Defendants shall produce structured admissions and financial aid data up to and including the early action and early decision cycle in or around December 2023, by February 15, 2024;
4. Defendants shall produce non-structured data, documents, and communications bearing on Defendants' admissions and financial aid policies and practices created through the date of dissolution of the 568 Presidents' Group plus one year, *i.e.*, to November 4, 2023;
5. Defendants shall produce donor-applicant information, including Donation Records, records pertaining to Donor-related Admitted Applicants, and records related to Legacy Admissions (capitalized terms as defined in the Confidentiality Order (Dkt. 254), Plaintiffs' RFPs, and subsequent discussions with Defendants) created through the date of dissolution of the 568 Presidents' Group plus one year, *i.e.*, to November 4, 2023;

6. Defendants who wish to use TAR procedures in document review shall not be permitted to use search terms to pre-cull the universe of documents before employing TAR; and
7. Defendants who wish to use TAR procedures in document review must achieve a minimum recall rate of 85%.
8. In the alternative, if the Court so desires, the Parties shall file their respective positions on these issues in a total of not more than 5 pages total from each side by February 17, 2023.

SO ORDERED:

Dated: _____

Hon. Matthew F. Kennelly
United States District Judge